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March 21, 2024

VIA ECF

Honorable Edward S. Kiel, U.S.M.J.
United States District Court, District of New Jersey
United States Post Office & Courthouse
Federal Square, Courtroom 8
Newark, New Jersey 07101

**Re: *United States ex rel. Silbersher v. Janssen Biotech, et al.*,
Civil Action No. 19-12107 (KM)(ESK)**

Dear Judge Kiel:

Together with our co-counsel, this office represents Relator in this matter. We write to respond to Defendants' March 20, 2024 letter (ECF No. 332) requesting the Court to modify the discovery schedule set forth in the Court's February 13, 2024 Order (ECF No. 325). Defendants did not confer with Relator before submitting that letter or advise that such a letter would be submitted.

As Your Honor may recall, in the parties' January 27, 2024 Joint Status Conference Letter, Relator suggested that "[b]ecause Defendants' litigation conduct has created the need for [the discovery] extension, Relator believes that he should not be penalized by delaying the pre-trial conference date" and advocated for adjusting the expert discovery deadlines to shorten *both* parties' deadlines from what the parties had previously agreed (ECF No. 316, at 7).

If the dates in the Court's February 13 Order were in error, Relator does not object to their correction, as requested by Defendants. However, if the Order reflects the Court's view of what the expert discovery deadlines should be—based on Relator's arguments and the desirability of reducing any delay to the trial date and equalizing the amount of time each party has to submit expert reports—Relator believes that the Court should adhere to those dates, or have Special Master Arpert decide the issue based on the Court's February 19, 2024 Order appointing the Special Master to "oversee the schedule for completion of discovery" (ECF No. 331, at 3, ¶ 3).

Thank you very much for your consideration.

Respectfully,

/s/ Bruce D. Greenberg

Bruce D. Greenberg

BDG:emp

cc: All Counsel of Record (*via* ECF)